

HOUSE BILL 89

E4

2lr0993

By: **Delegates Stifler, Burns, Haddaway–Ricchio, Jameson, Love, W. Miller, Minnick, and Schuh**

Introduced and read first time: January 18, 2012

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 14, 2012

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – Elevators – Accessibility Lift Mechanic License**

3 FOR the purpose of authorizing the Elevator Safety Review Board to establish certain
4 fees for the application, issuance, and renewal of licenses issued to certain
5 accessibility lift mechanics; requiring the Board to adopt certain regulations to
6 certify a licensed accessibility lift mechanic as an accessibility lift mechanic
7 specialist; establishing that certain persons are not required to obtain certain
8 licenses to conduct certain activities; authorizing an accessibility lift mechanic
9 to provide the services of an accessibility lift mechanic specialist until the Board
10 adopts certain regulations; requiring a person to be licensed by the Board as a
11 an accessibility lift mechanic before providing certain services; establishing
12 requirements for an applicant for ~~a~~ an accessibility lift mechanic license;
13 authorizing a licensed accessibility lift mechanic to provide certain services;
14 authorizing the Board to issue a certain conditional license for a certain period
15 under certain circumstances; providing for a delayed effective date; defining a
16 certain term; and generally relating to accessibility lift mechanics.

17 ~~BY repealing and reenacting, without amendments,~~
18 ~~Article – Public Safety~~
19 ~~Section 12–801(a)~~
20 ~~Annotated Code of Maryland~~
21 ~~(2003 Volume and 2011 Supplement)~~

22 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Public Safety
 2 Section ~~12-801(e) through (r)~~ 12-801, 12-824, and 12-826(e)
 3 Annotated Code of Maryland
 4 (2003 Volume and 2011 Supplement)

5 BY adding to
 6 Article – Public Safety
 7 Section ~~12-801(e)~~, 12-826(e) and (g), 12-827(d), and 12-832(e)
 8 Annotated Code of Maryland
 9 (2003 Volume and 2011 Supplement)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 11 MARYLAND, That the Laws of Maryland read as follows:

12 **Article – Public Safety**

13 12-801.

14 (a) In this subtitle the following words have the meanings indicated.

15 ~~(a)~~ **(B)** ~~“LIFT~~ “ACCESSIBILITY LIFT MECHANIC” MEANS A PERSON
 16 WHO IS ENGAGED IN ERECTING, CONSTRUCTING, WIRING, ALTERING,
 17 REPLACING, MAINTAINING, REPAIRING, DISMANTLING, OR SERVICING
 18 COMMERCIAL STAIRWAY CHAIRLIFTS, VERTICAL PLATFORM LIFTS, ~~LIMITED~~
 19 ~~USE/LIMITED APPLICATION (LULA) ELEVATORS, INCLINE PLATFORM LIFTS,~~
 20 ~~PRIVATE RESIDENCE ELEVATORS, OR DUMBWAITERS~~ OR INCLINE PLATFORM
 21 LIFTS.

22 **(C)** “ACCESSIBILITY LIFT MECHANIC SPECIALIST” MEANS A PERSON
 23 WHO IS LICENSED AS AN ACCESSIBILITY LIFT MECHANIC AND HAS BEEN
 24 CERTIFIED BY THE BOARD TO ERECT, CONSTRUCT, WIRE, ALTER, REPLACE,
 25 MAINTAIN, REPAIR, DISMANTLE, OR SERVICE PRIVATE RESIDENTIAL
 26 ELEVATORS.

27 **[(b)] (D)** “Board” means the Elevator Safety Review Board.

28 **[(c)] (E)** “Certificate” means a certificate of registration and inspection
 29 issued by the Commissioner to operate an elevator unit.

30 **[(d)] (F)** “Commissioner” means the Commissioner of Labor and Industry or
 31 an authorized representative of the Commissioner of Labor and Industry.

32 **[(e)] (G)** “Dumbwaiter” means a hoisting and lowering machine equipped
 33 with a car of limited capacity and size that moves in guides in a substantially vertical
 34 direction and is used exclusively for carrying material.

1 [(f)] (H) “Elevator” means a hoisting and lowering machine equipped with a
2 car or platform that moves in guides in a substantially vertical direction and serves
3 two or more floors of a building or structure.

4 [(g)] (I) “Elevator contractor” means a person who is engaged in the
5 business of erecting, constructing, wiring, altering, replacing, maintaining, repairing,
6 dismantling, or servicing elevator OR ACCESSIBILITY LIFT units.

7 [(h)] (J) “Elevator mechanic” means a person who is engaged in erecting,
8 constructing, wiring, altering, replacing, maintaining, repairing, dismantling, or
9 servicing elevator OR ACCESSIBILITY LIFT units.

10 [(i)] (K) “Elevator refinisher” means a person who is engaged in the
11 refinishing of existing metal and wood elements in elevator cabs, including the
12 stripping of old lacquer on wood and bronze items, staining wood to match existing
13 finishes, cleaning, polishing, oxidizing, painting, lacquering, and the removing of
14 scratches to maintain existing finishes.

15 [(j)] (L) “Elevator renovator contractor” means a person who is engaged in
16 the business of performing work:

17 (1) on the interior of an elevator involving the removal or installation
18 of the nonstructural surface of the elevator’s wall, ceiling, floor, rail, or handle; and

19 (2) that does not affect the elevator’s moving operation.

20 [(k)] (M) “Elevator renovator mechanic” means a person who performs work:

21 (1) on the interior of an elevator involving the removal or installation
22 of the nonstructural surface of the elevator’s wall, ceiling, floor, rail, or handle; and

23 (2) that does not affect the elevator’s moving operation.

24 [(l)] (N) “Elevator unit” includes an elevator, escalator, dumbwaiter, and
25 moving walk.

26 [(m)] (O) “Escalator” means a power driven, inclined, continuous stairway
27 used for raising and lowering passengers.

28 [(n)] (P) “License” includes:

29 (1) AN ACCESSIBILITY LIFT MECHANIC LICENSE;

30 [(1)] (2) an elevator contractor license;

31 [(2)] (3) an elevator mechanic license;

1 ~~[(3)]~~ **(4)** an elevator renovator contractor license; and

2 ~~[(4)]~~ **(5)** an elevator renovator mechanic license.

3 ~~[(o)]~~ ~~**(P)**~~ **(Q)** “Moving walk” means a type of passenger-carrying device on
4 which passengers stand or walk and in which the passenger-carrying surface remains
5 parallel to its direction of motion and is uninterrupted.

6 ~~[(p)]~~ ~~**(Q)**~~ **(R)** “Safety Code” means the American National Standard/American
7 Society of Mechanical Engineers Safety Code for Elevators, Dumbwaiters, Escalators,
8 and Moving Walks, known as ANSI A17.1-1971, and all subsequent amendments and
9 revisions to it, as adopted by the Commissioner.

10 ~~[(q)]~~ ~~**(R)**~~ **(S)** “Secretary” means the Secretary of Labor, Licensing, and
11 Regulation.

12 ~~[(r)]~~ ~~**(S)**~~ **(T)** “Third-party qualified elevator inspector” means an inspector who:

13 (1) meets the qualifications, insurance requirements, and procedures
14 established by the Commissioner; and

15 (2) is certified by an organization accredited by the American Society
16 of Mechanical Engineers in accordance with the American National
17 Standard/American Society of Mechanical Engineers Safety Code for Elevators,
18 Dumbwaiters, Escalators, and Moving Walks, known as ANSI A17.1-1971, and all
19 subsequent amendments, and any related consensus standards.

20 12-824.

21 (a) The Board shall establish fees for the application, issuance, and renewal
22 of licenses issued under Part III of this subtitle.

23 (b) The total amount of fees established under subsection (a) of this section
24 may not exceed, for the 2-year term of the license:

25 (1) \$100 per year for an elevator mechanic ~~[or]~~, elevator renovator
26 mechanic, ~~OR LIFT ACCESSIBILITY LIFT MECHANIC~~; and

27 (2) \$150 per year for an elevator contractor or elevator renovator
28 contractor.

29 (c) Each fee for the application, issuance, and renewal of licenses collected by
30 the Board shall be paid into the Elevator Safety Review Board Fund established under
31 this subtitle.

1 12-826.

2 (E) EXCEPT AS OTHERWISE PROVIDED IN PART III OF THIS SUBTITLE, A
3 PERSON SHALL BE LICENSED BY THE BOARD AS ~~A~~ AN ACCESSIBILITY LIFT
4 MECHANIC BEFORE THE PERSON ERECTS, CONSTRUCTS, WIRES, ALTERS,
5 REPLACES, MAINTAINS, REPAIRS, DISMANTLES, OR SERVICES COMMERCIAL
6 STAIRWAY CHAIRLIFTS, VERTICAL PLATFORM LIFTS, ~~LIMITED USE/LIMITED~~
7 APPLICATION (LULA) ELEVATORS, ~~INCLINE PLATFORM LIFTS, PRIVATE~~
8 RESIDENCE ELEVATORS, OR DUMBWAITERS OR INCLINE PLATFORM LIFTS IN
9 THE STATE.

10 [(e)] (F) (1) A licensed elevator contractor is not required for removing or
11 dismantling an elevator unit if:

12 (i) the elevator unit is destroyed as a result of a complete
13 demolition of a building; or

14 (ii) a hoistway or wellway is demolished back to the basic
15 support structure.

16 (2) (i) An individual who works as an elevator apprentice under
17 the direct supervision of a licensed elevator mechanic or licensed elevator renovator
18 mechanic need not obtain a license.

19 (ii) An individual commonly known as an elevator helper who
20 works under the direct supervision of a licensed elevator mechanic or a licensed
21 elevator renovator mechanic need not obtain a license.

22 (3) An elevator refinisher need not obtain a license.

23 (4) A CRANE MECHANIC PERFORMING WORK ON ELEVATORS OR
24 LIFTS LOCATED ON A PORT FACILITY OWNED, LEASED, OR OPERATED BY THE
25 MARYLAND PORT ADMINISTRATION NEED NOT OBTAIN A LICENSE.

26 (5) A PERSON INSTALLING A RESIDENTIAL STAIRWAY CHAIRLIFT
27 NEED NOT OBTAIN A LICENSE.

28 (6) A PERSON WHO IS LICENSED UNDER THIS SUBTITLE AS AN
29 ELEVATOR MECHANIC NEED NOT OBTAIN A LICENSE TO PROVIDE THE SERVICES
30 DESCRIBED IN SUBSECTION (E) OF THIS SECTION.

31 (G) (1) THE BOARD SHALL ADOPT REGULATIONS, INCLUDING
32 EDUCATION AND EXPERIENCE REQUIREMENTS, TO CERTIFY ACCESSIBILITY
33 LIFT MECHANIC SPECIALISTS TO ERECT, CONSTRUCT, WIRE, ALTER, REPLACE,

1 MAINTAIN, REPAIR, DISMANTLE, OR SERVICE PRIVATE RESIDENTIAL
 2 ELEVATORS.

3 (2) UNTIL THE BOARD ADOPTS REGULATIONS TO CERTIFY
 4 ACCESSIBILITY LIFT MECHANIC SPECIALISTS TO PERFORM WORK ON PRIVATE
 5 RESIDENTIAL ELEVATORS, AN ACCESSIBILITY LIFT MECHANIC MAY PROVIDE
 6 THE SERVICES DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.

7 (3) A CANDIDATE ACTIVELY COMPLETING THE CERTIFICATION
 8 REQUIREMENTS ADOPTED BY THE BOARD UNDER PARAGRAPH (1) OF THIS
 9 SUBSECTION MAY CONTINUE TO PERFORM THAT WORK WITHOUT
 10 CERTIFICATION FOR UP TO 4 YEARS AFTER THE EFFECTIVE DATE OF THE
 11 REGULATIONS.

12 12-827.

13 (D) (1) AN APPLICANT FOR ~~AN~~ AN ACCESSIBILITY LIFT MECHANIC
 14 LICENSE SHALL:

15 ~~(1)~~ ~~(H)~~ (I) 1. HAVE AN ACCEPTABLE COMBINATION OF
 16 DOCUMENTED EXPERIENCE AND EDUCATION CREDITS, WITH AT LEAST 3 YEARS
 17 OF RECENT AND ACTIVE EXPERIENCE IN THE ACCESSIBILITY LIFT INDUSTRY, IN
 18 CONSTRUCTION, MAINTENANCE, AND SERVICE OR REPAIR, AS VERIFIED BY
 19 CURRENT AND PREVIOUS EMPLOYERS; AND

20 ~~(H)~~ 2. PASS A WRITTEN EXAMINATION ADMINISTERED BY
 21 THE BOARD ON THE SAFETY CODE;

22 ~~(2)~~ ~~(H)~~ (II) 1. HAVE AN ACCEPTABLE COMBINATION OF
 23 DOCUMENTED EXPERIENCE AND EDUCATION CREDITS, WITH AT LEAST 3 YEARS
 24 OF RECENT AND ACTIVE EXPERIENCE IN THE ACCESSIBILITY LIFT INDUSTRY, IN
 25 CONSTRUCTION, MAINTENANCE, AND SERVICE OR REPAIR, AS VERIFIED BY
 26 CURRENT AND PREVIOUS EMPLOYERS; AND

27 ~~(H)~~ 2. HAVE A CERTIFICATE FROM AN ORGANIZATION
 28 PROVIDING AN EDUCATION PROGRAM FOR THE ACCESSIBILITY INDUSTRY, SUCH
 29 AS THE CERTIFIED ACCESSIBILITY TECHNICIAN PROGRAM OR AN EQUIVALENT
 30 PROGRAM; OR

31 ~~(3)~~ (III) HAVE A CERTIFICATE OF COMPLETION OF AN
 32 APPRENTICESHIP PROGRAM FOR ACCESSIBILITY MECHANICS THAT HAS
 33 STANDARDS SUBSTANTIALLY EQUIVALENT TO THOSE OF PART III OF THIS
 34 SUBTITLE AND IS REGISTERED WITH THE BUREAU OF APPRENTICESHIP AND

1 TRAINING OF THE U.S. DEPARTMENT OF LABOR OR A STATE APPRENTICESHIP
2 COUNCIL.

3 (2) THE BOARD MAY ISSUE A CONDITIONAL LICENSE UNDER THIS
4 SUBSECTION THAT IS EFFECTIVE UNTIL JANUARY 1, 2017, TO A CANDIDATE
5 ACTIVELY COMPLETING THE EDUCATIONAL REQUIREMENTS DESCRIBED IN
6 PARAGRAPH (1)(II)2 OF THIS SUBSECTION.

7 12-832.

8 (E) WHILE ~~A LIFT~~ AN ACCESSIBILITY LIFT MECHANIC LICENSE IS IN
9 EFFECT, THE LICENSE AUTHORIZES THE LICENSEE TO ERECT, CONSTRUCT,
10 WIRE, ALTER, REPLACE, MAINTAIN, REPAIR, DISMANTLE, AND SERVICE
11 COMMERCIAL STAIRWAY CHAIRLIFTS, VERTICAL PLATFORM LIFTS, ~~LIMITED~~
12 ~~USE/LIMITED APPLICATION (LULA) ELEVATORS, INCLINE PLATFORM LIFTS,~~
13 ~~PRIVATE RESIDENCE ELEVATORS, AND DUMBWAITERS~~ OR INCLINE PLATFORM
14 LIFTS UNDER THE DIRECT SUPERVISION OF A LICENSED ELEVATOR
15 CONTRACTOR.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 ~~October 1, 2012~~ January 1, 2013.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.